

# Equality & Diversity Policy



**LEVER LAW**  
SOLICITORS

# Equality & Diversity Policy

## THE FIRM'S COMMITMENT

### 1. GENERAL COMMITMENT

This firm is committed to eliminating discrimination and promoting equality and diversity in its own policies, practices, and procedures as well as in external areas where we have influence. As such, all members of the firm must not in their professional dealings with employees, barristers, other lawyers, clients or third parties discriminate against any person, nor victimise or harass them on the basis of:

- Age;
- Disability;
- Gender reassignment;
- Marital and civil partnership status;
- Pregnancy and maternity;
- Race or racial group (including colour, nationality and ethnic or national origins);
- Religion or belief;
- Sex;
- Sexual orientation.

(the "protected characteristics")

*(Note: We will make such adjustments reasonable to the circumstance in order to prevent any of our employees or clients who are disabled, from being placed at a substantial disadvantage in comparison with those who are not disabled).*

### 2. REGULATION AND LEGISLATION

In developing and implementing its Equality & Diversity Policy, the firm is committed to complying with the Chapter 2 of the Solicitors Regulation Authority ("SRA")'s Code of Conduct 2011, the guidelines for equality and diversity published by the Legal Aid Agency and by the Legal Services Board ("LSB"), and with all current and any future anti-discrimination legislation and associated codes of practice including, but not limited to:

- The Equality Act 2010.
- The Equality and Human Rights Commission Code of Practice on Employment 2010.
- The European Commission recommendation on the protection of the dignity of men and women at work.

And any relevant amendments to or re-enactments of the same.



### 3. FORMS OF DISCRIMINATION

- 3.1 Discrimination occurs when one person is treated less favourably than another in the same or similar circumstances without legitimate reason because of one or more of the protected characteristics. The protected characteristics are shown in 1 above. In particular, we should note that:
- 3.1.1 Discrimination because of race or racial group includes discrimination on the basis of colour, nationality and national or ethnic origin;
- 3.1.2 Sex discrimination includes discrimination against:
- A married person because of their marital status;
  - A person who is proposing to undergo, is undergoing or has undergone gender reassignment;
  - A woman because of pregnancy or maternity; and
  - A man because of paternity;
- 3.2 The firm is subject to the provisions of the Equality Act 2010;
- 3.3 Sexual orientation applies equally to those who are heterosexual as it does to those who are homosexual or bisexual; discrimination based on sexual orientation includes discrimination against a person because they are in a civil partnership; it should also be noted that discrimination can be because of perceived sexual orientation as well as actual sexual orientation or an association with someone who has one or more of the protected characteristics;
- 3.4 Disability is widely defined and can include stress related illnesses (which do not need to be “clinically well-recognised” to be capable of founding a claim), progressive illnesses (such as HIV and cancer) from the time of diagnosis, illnesses which would be substantial if not controlled by drugs (such as insulin-dependent diabetes) and conditions such as learning disabilities or dyslexia which restrict a person’s ability to interact or communicate;
- 3.5 Religion or belief includes philosophical beliefs similar to a religion (for example humanism);
- 3.6 Ageism refers to all ages not just the elderly and can include discrimination based on the age of others, e.g. a person’s spouse. It should also be noted that discrimination can be because of perceived age as well as actual age.
- 3.7 Discrimination can take a variety of forms including direct discrimination, indirect discrimination, harassment, victimisation, less favourable treatment, and failure to make an adjustment. A brief summary of each of these is set out below although we should rely upon the meanings assigned to them by law when interpreting our duties under this rule.



- 3.8 Direct discrimination occurs where one person treats another less favourably because of one or more of the protected characteristics and, in respect of age discrimination only; it cannot be shown that the treatment in question was justified. To treat a person less favourably for other reasons, for example because they have not performed adequately, will not generally be regarded as discrimination amounting to professional misconduct unless the true reason for the treatment is, or includes, one of the matters referred to above.
- 3.9 Indirect discrimination occurs where a provision, criterion or practice which is applied to everyone, has the effect of placing a particular person, or group of people at a disadvantage, with one or more of the protected characteristics and it cannot be shown that to apply that provision, criterion or practice in that way is a proportionate means of achieving a legitimate aim. Indirect discrimination can occur whether or not } the person applying the provision, criterion or practice intended to discriminate against the person or group of people affected.
- 3.10 Victimization occurs when a person is treated less favourably because he or she has:
- Asserted a right not to be discriminated against because of one or more of the protected characteristics.
  - Assisted another to assert a right not to be discriminated against because of one or more of the protected characteristics or
  - Given evidence in a tribunal or court relating to the assertion of such a right.
  - Made the assertions in good faith.
- 3.11 Harassment occurs when one person subjects another to “unwanted conduct that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment”, in other words threatening, abusive or insulting behaviour, words or actions which violate the other person’s dignity or create a humiliating, intimidating or hostile environment.
- Harassment may involve physical acts or verbal and non-verbal communications and gestures. Harassment can also occur where it has the defined effect upon the victim, notwithstanding the harasser’s intention - it is the effect which the harassment has upon the victim that is important. For example, remarks made humorously or without malicious intent can still constitute harassment if that is the effect that they had upon the person being harassed.

In determining whether harassment has occurred, we should be aware that a series of minor acts or comments can constitute harassment, as can a one-off act of sufficient severity. However, the acts complained of must be capable of amounting to harassment.



- 3.12 Unfavourable treatment, as used in relation to disability discrimination, occurs when a person with a disability is treated in a detrimental way because of something arising in consequence of that person's disability, and it can not be shown that the treatment is a proportionate means of achieving a legitimate aim. Thus, for example, charging more to a disabled client than a client without a disability because their disability means that more time is required to obtain instructions could constitute unfavourable treatment, as could offering less favourable terms or refusing to act.
- 3.13 Failure to make a reasonable adjustment is another concept used in relation to disability discrimination. We are under a duty to take such steps (adjustments) that are reasonable in all the circumstances to ensure that employment arrangements, the premises from which our business is undertaken and the service provided do not, without justification, put at a substantial disadvantage a person with a disability when compared with a person without that disability.

The following points should be borne in mind when making a reasonable adjustment:

- A failure to make a reasonable adjustment will on its own amount to discrimination. No other form of less favourable treatment or intention to discriminate is necessary;
- The duty is a positive one - it requires that we take active steps to ensure that a person with a disability can access employment opportunities or services as if they did not have that disability;
- The cost of making the adjustment is one which must be absorbed by us, where it is reasonable to do so, and not passed on to the disabled client by way of a disbursement, additional charge or less comprehensive service;
- The duty is to make a reasonable adjustment - if the adjustment is not reasonable then we may not be under a duty to make it;
- The fact that the cost of the adjustment exceeds the charges or profits from the matter in question does not of itself make the adjustment unreasonable. A more relevant factor is the resources of the firm.
- An adjustment does not have to be a physical adjustment - it may simply be a change to working practices such as visiting a client at home if they are unable to access our premises; and
- An adjustment is not always a one-off action - it may need to be made on numerous occasions, for example employing the services of a British Sign Language Interpreter when advising a client with profound hearing loss.



## 4. EMPLOYMENT AND TRAINING

- 4.1 General Statement - As an employer, the firm will treat all employees and job applicants equally and fairly and not discriminate unjustifiably against them. This will, for example, include arrangements for recruitment and selection, terms and conditions of employment, access to training opportunities, access to promotion and transfers, grievance and disciplinary processes, demotions, selection for redundancies, dress code, references, bonus schemes, work allocation and any other employment related activities.
- 4.2 Recruitment and selection - This firm recognises the benefits of having a diverse workforce and will take steps to ensure that:
- It endeavours to recruit from the widest pool of qualified candidates possible;
  - Employment opportunities are open and accessible to all on the basis of their individual qualities and personal merit;
  - Where appropriate, positive action measures are taken to attract applications from all sections of society and especially from those groups, which are under-represented in the workforce;
  - Selection criteria and processes do not discriminate unjustifiably because of one or more of the protected characteristics; other than in those instances where the firm is exercising permitted positive action;
  - Wherever appropriate and necessary, lawful exemptions (genuine occupational requirements) will be used to recruit suitable staff to meet the special needs of particular groups;
  - All recruitment agencies acting for the firm are aware of its requirement not to discriminate and to act accordingly.

## 5. CONDITIONS OF SERVICE

- 5.1 The firm will treat all employees equally and create a working environment which is free from discrimination and harassment and which respects, where appropriate, the diverse backgrounds and beliefs of employees.
- Terms and conditions of service for employees will comply with anti-discrimination legislation. The provision of benefits such as working hours, maternity and other leave arrangements, performance appraisal systems, dress code, bonus schemes and any other conditions of employment will not discriminate against any employee because of one or more of the protected characteristics or unreasonably because of their disability.



- Where appropriate and necessary, the firm will endeavour to provide appropriate facilities and conditions of service which take into account the specific needs of employees which arise from their ethnic or cultural background, gender; maternity / paternity status, responsibilities as carers, age, disability, religion or belief, or sexual orientation.
- 5.2 Promotion and career development - Promotion within the firm will be made without reference to any of the protected characteristics and will be based solely on merit.
- The selection criteria and processes for recruitment and promotion will be kept under review to ensure that there is no unjustifiably discriminatory impact on any particular group.
  - Whilst positive action measures may be taken in accordance with the relevant anti-discrimination legislation to encourage under-represented groups to apply for promotion opportunities, recruitment or promotion to all jobs will be based solely on merit.
  - All employees will have equal access to training and other career development opportunities appropriate to their experience and abilities. However, the firm will take appropriate positive action measures (as permitted by the anti-discrimination legislation) to provide special training and support for groups which are under-represented in the workforce and encourage them to take up training and career development opportunities.
- 5.3 Post Employment - The firm will also comply with the various provisions which prohibit discrimination after the end of a professional relationship and which apply to both staff and partners. We will for example, exercise care when giving a reference for someone so as to ensure that it does not permit that reference to be in any way discriminatory or to appear to have been influenced by issues of a discriminatory nature.

## **6. DIRECTORS / PARTNERS**

- 6.1 Arrangements and procedures for selecting partners, their terms and conditions of partnership, access to benefits, facilities or services and termination arrangements will be reviewed and amended where necessary to prevent discrimination because of one or more of the protected characteristics. Maternity and paternity rights available to partners shall be no less favourable than those required by legislation for employees.

## **7. BARRISTERS AND THIRD PARTIES**

- 7.1 Barristers should be instructed on the basis of their skills, experience, and ability. The firm will not, because of one or more of the protected characteristics, avoid instructing a barrister and will not request barristers' clerks to do so.



- 7.2 Clients' requests for a named barrister should be complied with, subject to the firm's duty to discuss with the client the suitability of the barrister and to advise appropriately.
- 7.3 The firm will discuss with the client any request by the client that only a barrister who is not disabled or who is of a particular gender; age, marital / civil partnership or maternity / paternity status, race, racial group, colour, ethnic or national origin, nationality, religion or belief or sexual orientation be instructed. In the absence of a valid reason for this request, which must be within the exemptions permitted by the anti-discrimination legislation, the firm will endeavour to persuade the client to modify their instructions in so far as they are given on discriminatory grounds. Should the client refuse to modify such instructions, the firm will cease to act.
- 7.4 All lists of approved suppliers and databases of contractors, agents and other third parties who, or which, are regarded as suitable to be instructed by those within the firm have been compiled only on the basis of the ability of those persons or organisations to undertake work of a particular type and contain no discriminatory exclusion, restriction or preference.
- 7.5 The firm is generally free to decide whether to accept instructions from any particular client, but any refusal to act will not be because of one or more of the protected characteristics. The firm will take steps to meet the different needs of particular clients arising from its obligations under the anti-discrimination legislation.
- 7.6 In addition, where necessary and where it is permitted by the relevant anti-discrimination legislation (for example, provisions relating to positive action or exemptions) the firm will seek to provide services which meet the specific needs and requests arising from clients' ethnic or cultural background; gender; age; responsibilities as carers; disability; maternity / paternity status; religion or belief; sexual orientation or other relevant factors.

## **8. PROMOTING EQUALITY AND DIVERSITY**

- 8.1 This firm is committed to promoting equality and diversity in the firm as well as in those areas in which it has influence. Employees will be trained on this Equality & Diversity Policy.
- 8.2 All those who act on the firm's behalf will be informed of this Equality & Diversity Policy and will be expected to pay due regard to it when conducting business on the firm's behalf.
- 8.3 In all its dealings, including those with suppliers, contractors, recruitment agencies, and training organisers, the firm will seek to promote the principles of equality and diversity. The firm will therefore make every effort to reflect its commitment to equality and diversity in relevant external communications such as in marketing and recruitment literature.



## **9. IMPLEMENTING THE POLICY**

- 9.1 Ultimate responsibility for implementing and operation of the policy rests with the firm's managing director.
- 9.2 Procedures and responsibilities have been defined in the firm's Office Manual, which ensure that this policy is adhered to in key areas of day-to-day operations.

## **10. AWARENESS, COMPLIANCE AND EXCEPTIONS**

- 10.1 The firm will take all reasonable steps to ensure that all employees are aware of, and act in compliance with this policy's provisions. All current and new personnel will therefore be briefed on its contents.
- 10.2 All employees of the firm are expected to pay due regard to the provisions of its Equality & Diversity Policy and are responsible for ensuring compliance with it when undertaking their jobs or representing the firm.
- 10.3 There are situations in which it is permitted to discriminate without breach of the legislation or the Codes of Conduct. In some instances, this will be by way of specific exceptions to the legislation, whilst in others it will depend upon the nature of the discrimination and the extent to which it can be justified. Where such discrimination is thought appropriate to the situation, the matter must be referred to the firm's managing director who will check the guidance available on the subject to ensure that a breach will not result.

## **11. AVAILABILITY**

- 11.1 This policy will be made available to clients, the Legal Aid Agency, the LSB, the Solicitors Regulation Authority, and other relevant third parties where required without delay.

## **12. BREACHES**

- 12.1 Acts of discrimination or harassment because of one or more of the protected characteristics by employees of the firm will result in disciplinary action. Failure to comply with this policy will be treated in a similar fashion.
- 12.2 Acts of discrimination or harassment because of one or more of the protected characteristics by those acting on behalf of the firm will lead to appropriate action including termination of services where appropriate.



### 13. COMPLAINTS OF DISCRIMINATION

- 13.1 The firm will treat seriously all complaints of discrimination or harassment because of one or more of the protected characteristics made by employees, clients, barristers or other third parties and will take action where appropriate.
- 13.2 All complaints will be investigated by the firm's managing director, and the complainant will be informed of the outcome.

### 14. MONITORING

- 14.1 This policy will be monitored and reviewed annually to measure its progress and judge its effectiveness. In particular, the firm will, as appropriate, monitor and record:
    - The gender, age and ethnic composition of the workforce and the composition of disabled staff.
    - The ethnicity, gender, age and disability of all applicants, short-listed applicants and successful applicants for jobs and training contracts.
    - The ethnicity, gender, age and disability of all applicants for promotion and training opportunities, and details of whether they were successful.
    - Where it is possible to do so, and where doing so will not cause offence or discomfort to those whom it is intended to protect, the sexual orientation and religion or belief of all staff will be monitored so as to ensure that they are not being discriminated against in terms of the opportunities or benefits available to them. The firm is aware however that staff may not choose to disclose their sexual orientation or religion or belief and that care should be taken to avoid inadvertent discrimination in such cases.
    - The number and outcome of complaints of discrimination made by staff, clients and other third parties.
    - Disciplinary action (if any) taken against employees by race, age, gender and disability.
    - Situations where permitted exceptions and justifiable discrimination has been applied.
  - 14.2 The above information will be used to review the progress and impact of the Equality & Diversity Policy. Any changes required to this policy and supporting procedures will be made, promoted, and implemented.
15. This policy does not form part of any employee's contract of employment and may be amended at any time.

Signed by: \_\_\_\_\_ Date: \_\_\_\_\_

Date of next scheduled review: \_\_\_\_\_





**Lever Law Solicitors**

Carter House, Pelaw Leazes Lane, Durham City DH1 1TB

**T** : 0191 909 7990 **F** : 0191 909 7992

**E** : [info@leverlaw.co.uk](mailto:info@leverlaw.co.uk) **W** : [www.leverlaw.co.uk](http://www.leverlaw.co.uk)

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